

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-1840-IWD-E **TCEQ ID:** RN100542844 **CASE NO.:** 34939**RESPONDENT NAME:** ExxonMobil Oil Corporation dba Mobil Chemical Company

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Utility Road, Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 <b>TCEQ Enforcement Coordinator:</b> Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. John R. Townsend, Site Manager, ExxonMobil Oil Corporation, Post Office Box 3868, Beaumont, Texas 77704 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1840-IWD-E

## VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> September 5, 2007</p> <p><b>Date of NOE Relating to this Case:</b> November 1, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>Failure to comply with the permitted effluent limits. Specifically, the toluene daily maximum concentration was 0.039 milligrams per liter ("mg/L") for the reporting period ending on September 30, 2006, 0.125 mg/L for the reporting period ending March 31, 2007, and 0.043 mg/L for the reporting period ending April 30, 2007. These concentrations exceeded the 0.02 mg/L daily maximum permitted limits for toluene [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000462000, Effluent Limitations and Monitoring Requirement No.1, and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$5,740</p> <p><b>Total Deferred:</b> \$1,148  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,296</p> <p><b>Total Paid to General Revenue:</b> \$2,296</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will require the Respondent to submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000462000 within 60 days after the effective date of this Agreed Order. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): WQ0000462000

**Attachment A**  
**Docket Number: 2007-1840-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation dba Mobil Chemical Company</b>
<b>Payable Penalty Amount:</b>	<b>Four Thousand Five Hundred Ninety-Two Dollars (\$4,592)</b>
<b>SEP Amount:</b>	<b>Two Thousand Two Hundred Ninety-Six Dollars (\$2,296)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Clean School Buses</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	5-Nov-2007	<b>Screening</b>	8-Nov-2007	<b>EPA Due</b>	
	<b>PCW</b>	13-Nov-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	ExxonMobil Oil Corporation dba Mobil Chemical Company		
<b>Reg. Ent. Ref. No.</b>	RN100542844		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	34939	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1840-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Samuel Short
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **187%** Enhancement **Subtotals 2, 3, & 7** **\$3,740**

Notes: Enhancement recommended for having four NOV's for self reported effluent data, four NOV's for non similar violations, eight Agreed Order with denial, and one NOI within the last five years.

**Culpability** **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0%** Reduction **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** **\$179** **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** **\$2,000** **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,740**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$5,740**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,740**

**DEFERRAL** **20%** Reduction **Adjustment** **-\$1,148**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$4,592**

Screening Date 8-Nov-2007

Docket No. 2007-1840-IWD-E

PCW

Respondent ExxonMobil Oil Corporation dba Mobil Chemical Compan

Policy Revision 2 (September 2002)

Case ID No. 34939

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100542844

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 187%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement recommended for having four NOVs for self reported effluent data, four NOVs for non similar violations, eight Agreed Order with denial, and one NOI within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 187%

<b>Screening Date</b> 8-Nov-2007		<b>Docket No.</b> 2007-1840-IWD-E		<b>PCW</b>	
<b>Respondent</b> ExxonMobil Oil Corporation dba Mobil Chemical Company		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34939		<i>PCW Revision November 6, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN100542844					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Samuel Short					
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">1</div>			
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 5px;"> 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000462000, Effluent Limitations and Monitoring Requirement No.1 </div>			
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;"> Failed to comply with the permitted effluent limits as documented during a record review conducted on September 5, 2007. Specifically, the toluene daily maximum concentration was 0.039 milligrams per liter ("mg/L") for the reporting period ending on September 30, 2006, 0.125 mg/L for the reporting period ending March 31, 2007, and 0.043 mg/L for the reporting period ending April 30, 2007. These concentrations exceeded the 0.02 mg/L daily maximum permitted limits for toluene. </div>			
<b>Base Penalty</b>					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>

  

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">10%</div>

**>> Programmatic Matrix**

		<b>Falsification</b>			
	<b>Major</b>	Moderate	Minor		
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>			

**Matrix Notes**  
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

\$9,000

\$1,000

  

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; padding: 2px;">2</div>	Number of violation days	<div style="border: 1px solid black; padding: 2px;">91</div>
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mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	x	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

**Violation Base Penalty**

\$2,000

Two quarterly events are recommended.

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <div style="border: 1px solid black; padding: 2px;">\$179</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$5,740</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px;">\$5,740</div>	

**Economic Benefit Worksheet**

**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Company  
**Case ID No.** 34939  
**Reg. Ent. Reference No.** RN100542844  
**Media** Water Quality  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	30-Sep-2006	13-Jul-2008	1.8	\$179	n/a	\$179

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$179

## Compliance History

Customer/Respondent/Owner-Operator:	CN602761413	ExxonMobil Oil Corporation dba Mobil Chemical Company	Classification: AVERAGE	Rating: 3.85
Regulated Entity:	RN100542844	MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP	Classification: AVERAGE	Site Rating: 4.17
ID Number(s):				
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0062S	
	AIR OPERATING PERMITS	PERMIT	1173	
	AIR OPERATING PERMITS	PERMIT	2201	
	AIR OPERATING PERMITS	PERMIT	1354	
	AIR OPERATING PERMITS	PERMIT	2292	
	AIR OPERATING PERMITS	PERMIT	2293	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0064O	
	AIR OPERATING PERMITS	PERMIT	1354	
	AIR OPERATING PERMITS	PERMIT	2292	
	AIR OPERATING PERMITS	PERMIT	2293	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230089	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30047	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000449694	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	30047	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000449694	
	WASTEWATER	PERMIT	WQ0002029000	
	WASTEWATER	PERMIT	TX0068934	
	WASTEWATER	PERMIT	WQ0000462000	
	WASTEWATER	PERMIT	TPDES0004227	
	WASTEWATER	PERMIT	TX0004227	
	AIR NEW SOURCE PERMITS	PERMIT	9907	
	AIR NEW SOURCE PERMITS	PERMIT	485	
	AIR NEW SOURCE PERMITS	PERMIT	7799	
	AIR NEW SOURCE PERMITS	PERMIT	10248	
	AIR NEW SOURCE PERMITS	PERMIT	10249	
	AIR NEW SOURCE PERMITS	PERMIT	10575	
	AIR NEW SOURCE PERMITS	PERMIT	10728	
	AIR NEW SOURCE PERMITS	PERMIT	11238	
	AIR NEW SOURCE PERMITS	PERMIT	11791	
	AIR NEW SOURCE PERMITS	PERMIT	13942	
	AIR NEW SOURCE PERMITS	PERMIT	14021	
	AIR NEW SOURCE PERMITS	PERMIT	15160	
	AIR NEW SOURCE PERMITS	PERMIT	18838	
	AIR NEW SOURCE PERMITS	PERMIT	19000	
	AIR NEW SOURCE PERMITS	PERMIT	41728	
	AIR NEW SOURCE PERMITS	PERMIT	43948	
	AIR NEW SOURCE PERMITS	PERMIT	44969	
	AIR NEW SOURCE PERMITS	PERMIT	44976	
	AIR NEW SOURCE PERMITS	PERMIT	44975	
	AIR NEW SOURCE PERMITS	PERMIT	44973	
	AIR NEW SOURCE PERMITS	PERMIT	44971	
	AIR NEW SOURCE PERMITS	PERMIT	48054	
	AIR NEW SOURCE PERMITS	PERMIT	48163	
	AIR NEW SOURCE PERMITS	PERMIT	50210	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0062S	
	AIR NEW SOURCE PERMITS	PERMIT	53384	
	AIR NEW SOURCE PERMITS	REGISTRATION	72115	
	AIR NEW SOURCE PERMITS	REGISTRATION	55190	
	AIR NEW SOURCE PERMITS	REGISTRATION	76364	
	AIR NEW SOURCE PERMITS	REGISTRATION	76365	
	AIR NEW SOURCE PERMITS	REGISTRATION	75511	
	AIR NEW SOURCE PERMITS	REGISTRATION	76058	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500087	
	AIR NEW SOURCE PERMITS	PERMIT	56360	
	AIR NEW SOURCE PERMITS	REGISTRATION	71524	
	AIR NEW SOURCE PERMITS	REGISTRATION	71675	
	AIR NEW SOURCE PERMITS	REGISTRATION	71387	
	AIR NEW SOURCE PERMITS	REGISTRATION	71388	
	AIR NEW SOURCE PERMITS	REGISTRATION	70717	
	AIR NEW SOURCE PERMITS	PERMIT	50767	
	AIR NEW SOURCE PERMITS	PERMIT	54743	
	AIR NEW SOURCE PERMITS	REGISTRATION	73014	

AIR NEW SOURCE PERMITS	REGISTRATION	72706
AIR NEW SOURCE PERMITS	REGISTRATION	72934
AIR NEW SOURCE PERMITS	REGISTRATION	72936
AIR NEW SOURCE PERMITS	REGISTRATION	73733
AIR NEW SOURCE PERMITS	REGISTRATION	72767
AIR NEW SOURCE PERMITS	REGISTRATION	74662
AIR NEW SOURCE PERMITS	REGISTRATION	74950
AIR NEW SOURCE PERMITS	REGISTRATION	75162
AIR NEW SOURCE PERMITS	REGISTRATION	75328
AIR NEW SOURCE PERMITS	REGISTRATION	75304
AIR NEW SOURCE PERMITS	EPA ID	PSDTX754
AIR NEW SOURCE PERMITS	REGISTRATION	76710
AIR NEW SOURCE PERMITS	REGISTRATION	76584
AIR NEW SOURCE PERMITS	REGISTRATION	76456
AIR NEW SOURCE PERMITS	REGISTRATION	76498
AIR NEW SOURCE PERMITS	REGISTRATION	77711
AIR NEW SOURCE PERMITS	REGISTRATION	78058
AIR NEW SOURCE PERMITS	REGISTRATION	78903
AIR NEW SOURCE PERMITS	REGISTRATION	78554
AIR NEW SOURCE PERMITS	REGISTRATION	78861
AIR NEW SOURCE PERMITS	REGISTRATION	78170
AIR NEW SOURCE PERMITS	REGISTRATION	78284
AIR NEW SOURCE PERMITS	PERMIT	1295
AIR NEW SOURCE PERMITS	PERMIT	1295A
AIR NEW SOURCE PERMITS	PERMIT	10194
AIR NEW SOURCE PERMITS	PERMIT	10242
AIR NEW SOURCE PERMITS	PERMIT	11641
AIR NEW SOURCE PERMITS	PERMIT	11642
AIR NEW SOURCE PERMITS	PERMIT	11983
AIR NEW SOURCE PERMITS	PERMIT	12105
AIR NEW SOURCE PERMITS	PERMIT	12362
AIR NEW SOURCE PERMITS	PERMIT	12575
AIR NEW SOURCE PERMITS	PERMIT	13789
AIR NEW SOURCE PERMITS	PERMIT	14492
AIR NEW SOURCE PERMITS	PERMIT	19366
AIR NEW SOURCE PERMITS	PERMIT	19950
AIR NEW SOURCE PERMITS	PERMIT	21015
AIR NEW SOURCE PERMITS	PERMIT	23327
AIR NEW SOURCE PERMITS	PERMIT	24243
AIR NEW SOURCE PERMITS	PERMIT	24975
AIR NEW SOURCE PERMITS	PERMIT	26126
AIR NEW SOURCE PERMITS	PERMIT	26152
AIR NEW SOURCE PERMITS	PERMIT	24857
AIR NEW SOURCE PERMITS	PERMIT	32200
AIR NEW SOURCE PERMITS	PERMIT	32614
AIR NEW SOURCE PERMITS	PERMIT	32865
AIR NEW SOURCE PERMITS	PERMIT	34347
AIR NEW SOURCE PERMITS	PERMIT	34780
AIR NEW SOURCE PERMITS	PERMIT	34427
AIR NEW SOURCE PERMITS	PERMIT	37362
AIR NEW SOURCE PERMITS	PERMIT	40289
AIR NEW SOURCE PERMITS	PERMIT	41445
AIR NEW SOURCE PERMITS	PERMIT	42983
AIR NEW SOURCE PERMITS	PERMIT	43123
AIR NEW SOURCE PERMITS	PERMIT	41935
AIR NEW SOURCE PERMITS	PERMIT	44863
AIR NEW SOURCE PERMITS	PERMIT	44991
AIR NEW SOURCE PERMITS	PERMIT	44990
AIR NEW SOURCE PERMITS	PERMIT	46421
AIR NEW SOURCE PERMITS	PERMIT	46852
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE00640
AIR NEW SOURCE PERMITS	REGISTRATION	79796
AIR NEW SOURCE PERMITS	REGISTRATION	79510
AIR NEW SOURCE PERMITS	REGISTRATION	80418
AIR NEW SOURCE PERMITS	REGISTRATION	79874
AIR NEW SOURCE PERMITS	REGISTRATION	80937
AIR NEW SOURCE PERMITS	REGISTRATION	80540
AIR NEW SOURCE PERMITS	REGISTRATION	80827
AIR NEW SOURCE PERMITS	REGISTRATION	81163
AIR NEW SOURCE PERMITS	REGISTRATION	81318
AIR NEW SOURCE PERMITS	REGISTRATION	81813
AIR NEW SOURCE PERMITS	REGISTRATION	81905

AIR NEW SOURCE PERMITS	REGISTRATION	81541
AIR NEW SOURCE PERMITS	REGISTRATION	82391
AIR NEW SOURCE PERMITS	REGISTRATION	83294-
AIR NEW SOURCE PERMITS	REGISTRATION	82725
AIR NEW SOURCE PERMITS	REGISTRATION	82468
WATER LICENSING	LICENSE	1230089
STORMWATER	PERMIT	TXR05P884
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30047
	(SWR)	

Location: 2775 GULF STATES UTILITY RD, BEAUMONT, TX, 77701 Rating Date: September 01 07 Repeat Violator: N

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 08, 2002 to November 08, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Samuel Short Phone: (512) 239-5363

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? ExxonMobil Oil Corporation  
Mobil Chemical Company Inc.  
Groendyke Transport, Inc.  
ExxonMobil Oil Corporation
4. if Yes, who was/were the prior owner(s)? Exxon Mobil Corporation  
ExxonMobil Oil Corporation
5. When did the change(s) in ownership occur? 11/18/2002

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/30/2004	ADMINORDER 2001-1044-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3)	
30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(e) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: 7799/PSD-TX-860 PERMIT Description: Failure to submit initial stack test reports for temporary flares EH100 and EH101 w/in 180 days after initial startup.	
Classification: Moderate	
Citation: 30 TAC Chapter 113, SubChapter C 113.130 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)(1)	
5C THC Chapter 382, SubChapter A 382.085(b)	
Description: Failure to repair Vapor Compressors C44A and C44B within 15 days after detection of a leak.	
Classification: Moderate	
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c)	
5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: 779/PSD-TX-860 PERMIT Description: Failure to monitor water from Cooling Tower 4 (EPN EM26) utilizing an approved method.	
Classification: Moderate	
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G) 30 TAC Chapter 116, SubChapter B 116.115(c)	

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to comply with the permitted SO2 and CO emission limits at Decoking Vents B-6151A, B (EPN EM25) and B6301A, B(EPN EM6301) and B-6101C, D (EPN EM24).

Effective Date: 11/26/2004

ADMINORDER 2004-0491-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 7799/PSD-TX-860, SC1 PERMIT

Description: Failure to comply with Special Condition 1 which states that the total emissions of air contaminants from any of the sources shall not exceed the values stated on the table entitled Emission Sources - Maximum Allowable Emission Rates.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Unauthorized emissions from emission point number D-411 during emissions event number 34727.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 7799/PSD-TX-860, SC1 PERMIT

Description: Failure to comply with Special Condition 1 which states that the total emissions of air contaminants from any of the sources shall not exceed the values stated on the table entitled Emission Sources - Maximum Allowable Emission Rates.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT

Description: Failure to comply with the emissions limits found in the Maximum Allowable Emission Rate Table of permits 7799 and PSD-TX-860.

Effective Date: 03/06/2006

ADMINORDER 2004-2052-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the initial report for an emissions event, the estimated total quantities and the authorized emissions limits for the compound descriptive type of the individually listed compounds or mixtures of air contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT

Description: Failure to obtain regulatory authority or to meet the demonstration requirements of 30 Tex. Admin. Code § 101.222 for emissions from the HP and LP Flares that occurred from September 27, 2004 to September 28, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final report for an emissions event, the estimated total quantities and the authorized emissions limits for the compound descriptive type of the individually listed compounds or mixtures of air contaminants.

Classification: Moderate



Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a copy of the final record for a reportable emissions event to the commission office for the region in which the facility is located no later than two weeks after the end of the emissions event.

Effective Date: 06/26/2006

ADMINORDER 2006-0007-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to prevent unauthorized emissions and comply with Special Condition 1 of Permit 18838 for emissions which occurred at the Refinery Tank Farm (EPN EF-11) and the Paraxylene Unit stage III crystallizer pump (EPN EF-17).

Effective Date: 07/14/2006

ADMINORDER 2005-1903-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799, Special Condition 1 PERMIT

Description: Failed to comply with permitted and visible emissions limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a timely emission event report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 08/28/2006

ADMINORDER 2006-0132-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limits specified in Air NSR Permit No. 7799/PSD-TX-860

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a copy of the final record for a reportable emissions event which occurred on November 14, 2005 no later than two weeks after the end of the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain an emission rate below the allowable emission limits specified in Air NSR Permit No. 7799/PSD-TX-860.

Effective Date: 05/25/2007

ADMINORDER 2006-1743-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 7799 PERMIT

Description: Failure to comply with emissions limits as found in the Maximum Allowable Emissions Rate Table (MAERT) of TCEQ Permit 7799.

Effective Date: 06/29/2007

ADMINORDER 2006-1703-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with the High Pressure Flare maximum allowable emission rates for volatile organic compounds, carbon monoxide, and nitric oxides on April 9, 2006 due to an emissions event at the USC I Unit.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/19/2002	(14888)
2	11/20/2002	(295036)
3	11/26/2002	(16013)
4	12/16/2002	(157268)
5	01/21/2003	(157249)
6	01/21/2003	(157272)
7	01/28/2003	(21294)
8	02/10/2003	(157234)
9	02/18/2003	(24104)
10	02/18/2003	(24115)
11	02/18/2003	(24098)
12	02/18/2003	(24075)
13	02/28/2003	(26512)
14	03/19/2003	(295024)
15	03/27/2003	(25115)
16	04/07/2003	(157241)
17	04/11/2003	(28778)
18	04/11/2003	(28777)
19	04/11/2003	(28775)
20	04/11/2003	(28774)
21	04/25/2003	(31435)
22	05/08/2003	(157244)
23	06/12/2003	(37861)
24	06/13/2003	(34614)
25	07/10/2003	(295029)
26	07/31/2003	(144539)
27	08/14/2003	(295031)
28	08/15/2003	(147299)
29	08/19/2003	(148800)
30	08/19/2003	(148797)
31	08/19/2003	(148777)
32	08/19/2003	(148754)
33	08/19/2003	(148786)
34	08/21/2003	(135509)
35	08/29/2003	(131527)
36	09/15/2003	(295033)
37	09/25/2003	(247942)
38	09/25/2003	(247943)
39	09/25/2003	(247947)
40	09/25/2003	(145552)
41	09/25/2003	(247926)

42	09/25/2003	(247927)
43	09/25/2003	(247928)
44	09/26/2003	(249856)
45	10/09/2003	(248598)
46	10/13/2003	(295035)
47	10/17/2003	(252368)
48	10/17/2003	(252385)
49	10/28/2003	(253354)
50	10/29/2003	(252720)
51	10/29/2003	(252713)
52	11/06/2003	(254210)
53	11/06/2003	(254213)
54	11/06/2003	(254200)
55	11/06/2003	(254212)
56	11/06/2003	(252449)
57	11/10/2003	(295037)
58	11/14/2003	(254019)
59	12/12/2003	(295038)
60	12/22/2003	(253031)
61	01/09/2004	(253997)
62	01/13/2004	(295039)
63	01/14/2004	(254182)
64	01/29/2004	(259142)
65	01/30/2004	(259841)
66	02/10/2004	(260798)
67	02/23/2004	(295023)
68	02/25/2004	(261400)
69	02/26/2004	(260495)
70	02/27/2004	(261399)
71	03/04/2004	(263223)
72	03/08/2004	(263017)
73	03/17/2004	(295025)
74	03/18/2004	(264108)
75	03/18/2004	(263711)
76	03/19/2004	(265439)
77	03/19/2004	(262155)
78	04/08/2004	(265862)
79	04/08/2004	(265864)
80	04/08/2004	(265866)
81	04/08/2004	(265858)
82	04/08/2004	(265859)
83	04/08/2004	(265861)
84	04/14/2004	(295026)
85	05/14/2004	(270134)
86	05/27/2004	(267998)
87	06/08/2004	(271363)
88	06/25/2004	(351948)
89	07/19/2004	(351949)
90	08/11/2004	(283476)
91	08/13/2004	(351950)
92	08/16/2004	(283483)
93	09/09/2004	(351951)
94	09/23/2004	(333290)
95	09/23/2004	(286727)
96	10/05/2004	(292551)
97	10/07/2004	(381774)
98	11/02/2004	(336327)
99	11/12/2004	(381775)
100	11/12/2004	(351952)
101	11/22/2004	(339443)
102	11/29/2004	(338558)
103	12/08/2004	(336179)
104	12/14/2004	(342891)
105	12/22/2004	(341934)
106	12/22/2004	(341860)
107	12/23/2004	(344306)
108	01/04/2005	(344309)
109	01/07/2005	(344744)

110	01/11/2005	(381776)
111	01/24/2005	(347162)
112	01/24/2005	(346430)
113	01/27/2005	(347142)
114	02/16/2005	(381771)
115	02/16/2005	(381773)
116	03/14/2005	(381772)
117	03/25/2005	(373598)
118	03/25/2005	(373612)
119	04/01/2005	(350006)
120	04/04/2005	(373527)
121	04/04/2005	(373546)
122	04/13/2005	(419603)
123	04/15/2005	(374940)
124	04/15/2005	(374959)
125	04/15/2005	(374964)
126	05/16/2005	(419604)
127	05/17/2005	(379171)
128	05/17/2005	(379173)
129	05/18/2005	(376394)
130	05/18/2005	(376397)
131	05/20/2005	(378697)
132	05/20/2005	(377601)
133	06/07/2005	(393622)
134	06/14/2005	(394339)
135	06/15/2005	(343658)
136	07/05/2005	(395523)
137	07/21/2005	(440745)
138	08/08/2005	(399209)
139	08/12/2005	(402429)
140	08/12/2005	(404419)
141	08/12/2005	(402412)
142	08/22/2005	(440746)
143	09/06/2005	(440747)
144	09/19/2005	(431106)
145	10/21/2005	(468278)
146	11/28/2005	(468279)
147	12/16/2005	(468280)
148	12/22/2005	(440335)
149	01/12/2006	(468281)
150	01/19/2006	(450582)
151	01/27/2006	(452740)
152	01/27/2006	(438784)
153	02/21/2006	(468276)
154	02/27/2006	(455014)
155	03/20/2006	(468277)
156	04/13/2006	(458301)
157	04/18/2006	(458326)
158	04/21/2006	(461141)
159	04/21/2006	(461550)
160	04/24/2006	(498092)
161	04/28/2006	(458040)
162	05/01/2006	(460605)
163	05/03/2006	(461386)
164	05/11/2006	(465117)
165	05/22/2006	(498093)
166	06/09/2006	(464823)
167	06/22/2006	(498094)
168	06/22/2006	(498095)
169	07/17/2006	(520112)
170	07/26/2006	(484018)
171	07/26/2006	(484019)
172	07/27/2006	(483687)
173	07/28/2006	(484021)
174	08/10/2006	(497294)
175	08/18/2006	(509390)
176	08/21/2006	(520113)
177	08/31/2006	(438315)

178	09/11/2006	(489225)
179	09/21/2006	(489166)
180	09/22/2006	(511416)
181	10/24/2006	(544371)
182	11/14/2006	(515867)
183	11/15/2006	(544372)
184	11/18/2006	(515852)
185	11/27/2006	(531085)
186	11/30/2006	(519476)
187	11/30/2006	(519280)
188	12/11/2006	(533458)
189	12/12/2006	(515914)
190	12/28/2006	(261352)
191	12/28/2006	(396465)
192	01/19/2007	(532314)
193	01/19/2007	(513430)
194	01/22/2007	(575113)
195	02/14/2007	(535431)
196	02/14/2007	(537204)
197	02/14/2007	(535407)
198	02/27/2007	(575107)
199	02/28/2007	(539164)
200	03/19/2007	(575108)
201	03/21/2007	(543226)
202	03/30/2007	(538598)
203	03/30/2007	(538639)
204	04/24/2007	(575109)
205	04/24/2007	(575112)
206	05/04/2007	(543280)
207	05/21/2007	(558462)
208	05/21/2007	(558475)
209	05/21/2007	(575110)
210	05/31/2007	(558487)
211	05/31/2007	(558479)
212	06/19/2007	(556679)
213	06/22/2007	(575111)
214	07/06/2007	(561820)
215	07/06/2007	(563442)
216	07/06/2007	(564834)
217	07/24/2007	(564898)
218	08/06/2007	(571035)
219	08/06/2007	(571036)
220	08/16/2007	(570339)
221	08/20/2007	(570721)
222	08/20/2007	(570794)
223	08/29/2007	(571493)
224	10/15/2007	(573833)
225	10/15/2007	(573862)
226	10/15/2007	(573835)
227	10/15/2007	(573836)
228	10/24/2007	(573702)
229	11/01/2007	(593551)
230	11/06/2007	(598961)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/28/2003 (26512)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Part 60, Subpart VV 60.482-7

Rqmt Prov: PA Permit 7799 SC 10A

Description: Failure to conduct two successive leak free monthly fugitive monitoring events on three valves in VOC service.

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Part 60, Subpart VV 60.482-7

Rqmt Prov:	PA Permit 7799, SC 10A		
Description:	Failure to monitor three valves in VOC service in the ethylene unit.		
Self Report?	NO	Classification	Moderate
Citation:	5C THC Chapter 382, SubChapter A 382.085(a)		
Description:	Failure to authorize emissions from a wastewater drain.		
Date:	02/29/2004 (295025)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/18/2005 (376394)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 1295, Special Conditions I-1 and IV-5		
Description:	Failure to maintain the MAERT and concentration emission limit for ammonia (NH3) at the ERU Train B Stack (EPN 537).		
Date:	09/30/2006 (544371)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2007 (575109)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/02/2007 (538639)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1295 Special Condition II-7 OP FOP 2292 SC 10		
Description:	Failure to properly operate and maintain the Abator oxygen analyzer.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1295 Special Condition IV-5 OP FOP 2292 Special Condition 10		
Description:	Failure to maintain the NOx concentration above 175 parts per million as required.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-02292 Special Condition 17A OP FOP O-02293 Special Condition 18A		
Description:	Failure to comply with the FOP condition to comply with the Stratospheric Ozone Requirements as required by 40 CFR 82.156.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 19950 Special Condition 10(A) OP FOP 2293 Special Condition 10		
Description:	Failure to perform daily audible, visual, and olfactory observations in the Boron Trifluoride area.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 19366 Special Condition 7(B) OP FOP 1354 Special Condition 11		
Description:	Failure to calibrate the fugitive emissions monitor in accordance with the manufacturer's recommendations.		
Date:	04/30/2007 (575110)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/17/2007 (570339)		

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01173 General Terms and Conditions OP FOP O-02201 General Terms and Conditions		
Description:	Failure to submit the semi-annual deviation reports within 30 days of the reporting period for FOPs O-02201 and O-01173.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart H 63.167 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-02201 General Terms and Conditions OP FOP O-02201 Special Condition 1A OP FOP O-02201 Special Condition 26 PERMIT Permit 18838 Special Condition 14E PERMIT Permit 18838 Special Condition 6		
Description:	Failure to replace two plugs on open ended lines in VOC service.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart H 63.181(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-02201 Special Condition 1A OP FOP O-02201 Special Condition 26 PERMIT Permit 18838 Special Condition 6		
Description:	Failure to properly document criteria to determine leaks from dual sealed pumps based on design or operational experience.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.354(2)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart H 63.168 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01173 Special Condition 1A OP FOP O-01173 Special Condition 20 OP FOP O-02201 Special Condition 1A OP FOP O-02201 Special Condition 26 PERMIT Permit 18838 Special Condition 14F PERMIT Permit 18838 Special Condition 6 PERMIT Permit 7799 Special Condition 18F		
Description:	Failure to conduct quarterly monitoring of components in VOC service at several units during the deviation reporting periods for FOPs O-02201 and O-01173.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 106, SubChapter K 106.262(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-02201 General Terms and Conditions		
Description:	Failure to properly notify the TCEQ of Permits By Rule claimed by the company within 10 days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter E 115.426(1)(B) 30 TAC Chapter 115, SubChapter E 115.426(1)(D) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01173 General Terms and Conditions OP FOP O-01173 Special Condition 1A		
Description:	Failure to maintain records in sufficient detail to demonstrate compliance with the 3 pounds of VOC per hour limit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(11) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01173 General Terms and Conditions OP FOP O-01173 Special Condition 1A		
Description:	Failure to monitor 107 connectors within 30 days of being placed in VOC service.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.352(1)(A) 30 TAC Chapter 115, SubChapter D 115.352(2)		

Rqmt Prov:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01173 General Terms and Conditions OP FOP O-01173 Special Condition 1A	
Description:	Failure to make a first attempt at repair within 5 days and repair within 15 days for one component.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(B) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-02201 General Terms and Conditions	
Description:	Failure to provide notification of a deviation. A deviation for the failure to monitor 1,661 valves was made in the semi-annual deviation report for FOP O-01173, but should have been reported in the semi-annual deviation report for FOP O-02201.	

F. Environmental audits.

Notice of Intent Date: 01/19/2007 (541324)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXXONMOBIL OIL CORPORATION  
DBA MOBIL CHEMICAL COMPANY  
RN100542844**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1840-IWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation dba Mobil Chemical Company ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates wastewater treatment facility for a petrochemical plant at 2775 Gulf States Utility Road in Beaumont, Jefferson County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 6, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Seven Hundred Forty Dollars (\$5,740) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Ninety-Six Dollars



(\$2,296) of the administrative penalty and One Thousand One Hundred Forty-Eight Dollars (\$1,148) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand Two Hundred Ninety-Six Dollars (\$2,296) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000462000, Effluent Limitations and Monitoring Requirement No. 1, as documented during a record review conducted on September 5, 2007. Specifically, the toluene daily maximum concentration was 0.039 milligrams per liter ("mg/L") for the reporting period ending on September 30, 2006, 0.125 mg/L for the reporting period ending March 31, 2007, and 0.043 mg/L for the reporting period ending April 30, 2007. These concentrations exceeded the 0.02 mg/L daily maximum permitted limits for toluene.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation dba Mobil Chemical Company, Docket No. 2007-1840-IWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Two Hundred Ninety-Six Dollars (\$2,296) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000462000. The certification shall include detailed supporting documentation to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



Water Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.





## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Sullivan  
\_\_\_\_\_  
For the Executive Director

3/21/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

John R. Townsend  
\_\_\_\_\_  
Signature

1/22/2008  
\_\_\_\_\_  
Date

JOHN R. TOWNSEND  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
ExxonMobil Oil Corporation dba Mobil Chemical Company

SITE Manager  
\_\_\_\_\_  
Title

Instructions: Send the original signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2007-1840-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation dba Mobil Chemical Company</b>
<b>Payable Penalty Amount:</b>	<b>Four Thousand Five Hundred Ninety-Two Dollars (\$4,592)</b>
<b>SEP Amount:</b>	<b>Two Thousand Two Hundred Ninety-Six Dollars (\$2,296)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Clean School Buses</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

